

By the Council for Smarter Government and Representative  
Jordan

1                                   A bill to be entitled  
2           An act relating to recreational vehicles;  
3           amending s. 681.103, F.S.; requiring that  
4           certain information relating to filing a claim  
5           with a mediation and arbitration program be  
6           provided by the nameplate manufacturer to the  
7           consumer; amending s. 681.1096, F.S.;  
8           postponing termination of the mediation and  
9           arbitration pilot program; amending s.  
10          681.1097, F.S.; providing for screening of  
11          claims by the program; providing an effective  
12          date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. Subsection (3) of section 681.103, Florida  
17 Statutes, is amended to read:

18           681.103 Duty of manufacturer to conform a motor  
19 vehicle to the warranty.--

20           (3) At the time of acquisition, the manufacturer shall  
21 inform the consumer clearly and conspicuously in writing how  
22 and where to file a claim with a certified procedure if such  
23 procedure has been established by the manufacturer pursuant to  
24 s. 681.108. The nameplate manufacturer of a recreational  
25 vehicle shall, at the time of vehicle acquisition, inform the  
26 consumer clearly and conspicuously in writing how and where to  
27 file a claim with a program pursuant to s. 681.1096.The  
28 manufacturer shall provide to the dealer and, at the time of  
29 acquisition, the dealer shall provide to the consumer a  
30 written statement that explains the consumer's rights under  
31 this chapter. The written statement shall be prepared by the

1 Department of Legal Affairs and shall contain a toll-free  
2 number for the division that the consumer can contact to  
3 obtain information regarding the consumer's rights and  
4 obligations under this chapter or to commence arbitration. If  
5 the manufacturer obtains a signed receipt for timely delivery  
6 of sufficient quantities of this written statement to meet the  
7 dealer's vehicle sales requirements, it shall constitute prima  
8 facie evidence of compliance with this subsection by the  
9 manufacturer. The consumer's signed acknowledgment of receipt  
10 of materials required under this subsection shall constitute  
11 prima facie evidence of compliance by the manufacturer and  
12 dealer. The form of the acknowledgments shall be approved by  
13 the Department of Legal Affairs, and the dealer shall maintain  
14 the consumer's signed acknowledgment for 3 years.

15 Section 2. Subsection (1) of section 681.1096, Florida  
16 Statutes, is amended to read:

17 681.1096 Pilot RV Mediation and Arbitration Program;  
18 creation and qualifications.--

19 (1) This section and s. 681.1097 shall apply to  
20 disputes determined eligible under this chapter involving  
21 recreational vehicles acquired on or after October 1, 1997,  
22 and shall remain in effect until September 30, 2006 ~~2002~~, at  
23 which time recreational vehicle disputes shall be subject to  
24 the provisions of ss. 681.109 and 681.1095. The Attorney  
25 General shall report to the President of the Senate, the  
26 Speaker of the House of Representatives, the Minority Leader  
27 of each house of the Legislature, and appropriate legislative  
28 committees regarding the effectiveness of the pilot program.

29 Section 3. Paragraph (e) is added to subsection (3) of  
30 section 681.1097, Florida Statutes, and paragraph (a) of  
31 subsection (4) of said section is amended, to read:

1           681.1097 Pilot RV Mediation and Arbitration Program;  
2 dispute eligibility and program function.--

3           (3) The consumer's application for participation in  
4 the program must be on a form prescribed or approved by the  
5 department. The department shall screen all applications to  
6 participate in the program to determine eligibility. The  
7 department shall forward to the program administrator all  
8 applications the department determines are potentially  
9 entitled to relief under this chapter.

10           (e) The department may delegate responsibility for the  
11 screening of claims to the program, in which event claims  
12 filed with the department shall be forwarded to the program  
13 administrator and the provisions of this section shall apply  
14 to claims screened by the program.

15           (4) Mediation shall be mandatory for both the consumer  
16 and manufacturer, unless the dispute is settled prior to the  
17 scheduled mediation conference. The mediation conference shall  
18 be confidential and inadmissible in any subsequent adversarial  
19 proceedings. Participation shall be limited to the parties  
20 directly involved in the dispute and their attorneys, if any.  
21 All manufacturers shall be represented by persons with  
22 settlement authority.

23           (a) Upon receipt of an eligible application ~~from the~~  
24 ~~department~~, the program administrator shall notify the  
25 consumer and all involved manufacturers in writing that an  
26 eligible application has been received. Such notification  
27 shall include a statement that a mediation conference will be  
28 scheduled, shall identify the assigned mediator, and provide  
29 information regarding the program's procedures. The program  
30 administrator shall provide all involved manufacturers with a  
31 copy of the completed application.

1           Section 4. This act shall take effect July 1, 2002.  
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